

House Bill 678 (AS PASSED HOUSE AND SENATE)

By: Representatives Buckner of the 130th, Cheokas of the 134th, and James of the 135th

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Talbot County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for a registrar and the powers
7 and duties thereof; to provide for certain expenditures of public funds; to provide for
8 compensation of members of the board and personnel; to provide for offices and equipment;
9 to provide for the board's performance of certain functions and duties for certain
10 municipalities; to provide for related matters; to provide for submission under Section 5 of
11 the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
16 Board of Elections and Registration of Talbot County, hereinafter referred to as "the board."
17 The board shall have the powers, duties, and responsibilities of the superintendent of
18 elections of Talbot County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
19 Election Code," currently being exercised by the judge of the Probate Court of Talbot County
20 and the powers, duties, and responsibilities of the board of registrars of Talbot County under
21 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

22 **SECTION 2.**

23 The terms "election," "elector," "political party," "primary," and "public office" shall have
24 the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
25 Election Code," unless otherwise clearly apparent from the text of this Act; and the term

26 "commission" means the Talbot County Board of Commissioners, and "county" means
27 Talbot County.

28 **SECTION 3.**

29 (a) The board shall be composed of five members, each of whom shall be an elector and
30 resident of the county and who shall be appointed as provided in this section.

31 (b) The members of the board shall be appointed by the governing authority of Talbot
32 County. One member shall be selected by the governing authority of Talbot County to serve
33 as chairperson of the board who shall serve as such during his or her term of office.

34 (c) All appointments to the board shall be promptly certified by the governing authority of
35 Talbot County to the Clerk of the Superior Court of Talbot County.

36 (d) In making the initial appointments to the board, the members shall be appointed by the
37 governing authority of Talbot County not later than January 1, 2010. The governing
38 authority shall designate two of the initial appointees to serve a term beginning on January 1,
39 2010, and ending on December 31, 2011, and until their successors are duly appointed and
40 qualified. Successors to such members shall thereafter be appointed to serve terms of office
41 of four years beginning January 1, 2012, and until their successors are duly appointed and
42 qualified. The other appointees shall serve terms beginning on January 1, 2010, and ending
43 on December 31, 2013, and until their successors are duly appointed and qualified.
44 Successors to such members shall thereafter be appointed to serve terms of office of four
45 years beginning January 1, 2014, and until their successors are duly appointed and qualified.
46 Thereafter, all members shall be appointed to serve four-year terms of office.

47 (e) The initial fifth member shall be the superintendent of elections in office immediately
48 prior to the effective date of this Act. Such member shall serve for a term of office expiring
49 on December 31, 2013, and until such member's successor is appointed and qualified.
50 Subsequently, the fifth member shall be selected by the four members of the board appointed
51 by the governing authority of Talbot County and shall serve as chairperson. In the event that
52 the four members appointed by the political parties cannot agree on a fifth member within
53 30 days after taking office, such members shall submit to the chief judge of the Superior
54 Court of Talbot County a list of not more than four names of persons eligible for such
55 position and the chief judge shall select the fifth member from such list based upon the
56 information and qualifications of each candidate submitted by the four members appointed
57 by the governing authority of Talbot County. Successors shall be appointed in the same
58 manner for a term of office of four years and until a successor is duly appointed and
59 qualified. The fifth member shall be the election superintendent.

60 (f) All appointments to the board shall be promptly certified to the clerk of the Superior
61 Court of Talbot County.

SECTION 4.

The registrar shall be appointed by the superintendent of elections, with the approval of the board of elections, and shall report directly to that office. The registrar, with regard to the registration of electors, shall succeed to and exercise all of the powers, duties, and responsibilities granted to and incumbent upon a registrar pursuant to Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended, or any other provision of law. The registrar shall have the authority to hire such additional clerical assistants as necessary to efficiently carry out the duties and functions of the registrar's office, subject to the approval of the board of elections.

SECTION 5.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Talbot County and must have been registered voters in Talbot County for a period of at least one year prior to the date of their appointment to the board.

(c) No member of the board shall be related by blood or marriage closer than first cousins to any elected official in Talbot County nor shall any member of the board be an agent, an appointed official, or employee of, or work directly for, any agency of state government, Talbot County, or any municipality for which the board conducts municipal elections.

SECTION 6.

The appointing authorities shall certify the appointment of each member by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which such members are to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each of such certifications on the minutes of the superior court and shall certify the name of each such appointed member to the Secretary of State and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 7.

Each member of the board shall be eligible to serve consecutive terms of office, shall have the right to resign at any time by giving written notice of such resignation to the appointing

95 authority and to the clerk of the superior court, and shall be subject to removal from the
96 board by the appointing authority at any time, for cause, after notice and hearing.

97 **SECTION 8.**

98 In the event a vacancy occurs in the office of any appointed member before the expiration
99 of his or her term, by removal, death, resignation, or otherwise, the original appointing
100 authority shall appoint a successor to serve the remainder of the unexpired term as provided
101 for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim
102 appointments and record and certify such appointments in the same manner as the regular
103 appointment of members.

104 **SECTION 9.**

105 Before entering upon the member's duties, each member shall take substantially the same
106 oath as required by law for registrars and shall have the same privileges from arrest.

107 **SECTION 10.**

108 (a) The board shall be authorized to organize itself, determine its procedural rules and
109 regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise
110 take such action as is appropriate to the management of the affairs committed to its
111 supervision; provided, however, that no such action shall conflict with state law. Action and
112 decision by the board shall be by a majority of the members of the board. The board shall
113 be responsible for the selection, appointment, and training of poll workers in primaries and
114 elections and such workers shall be appointed, insofar as is practicable, from lists provided
115 to the board by the county executive committee of each political party.

116 (b) The board shall fix and establish, by appropriate resolution entered on its minutes,
117 directives governing the execution of matters within its jurisdiction. The board shall hold
118 regular meetings and shall meet not fewer than three times per year. Any specially called
119 meeting shall be called by the chairperson or any three members of the board. The board
120 shall maintain a written record of policy decisions amended to include additions or deletions.
121 Such written records shall be made available for the public to review.

122 **SECTION 11.**

123 The board shall have the authority to contract with any municipality located within Talbot
124 County for the holding by the board of any primary or election to be conducted within such
125 municipality.

SECTION 12.

Compensation for the members of the board, election superintendent, registrar, clerical assistants, and other employees shall be fixed by the governing authority of Talbot County. Such compensation shall be paid wholly from county funds. All such persons shall be part-time employees of Talbot County.

SECTION 13.

The commission shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the commission deems appropriate.

SECTION 14.

The commission shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 15.

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on January 1, 2010.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.